CUSTOMER NO.: 24498

$\mathcal{IFW}$
$AF/2615$

TRANSMITTAL FORM	Application Number	09/378,669
	Filing Date	August 20, 1999
(to be used for all correspondence after initial filing)	First Named Inventor	Shu Lin
	Art Unit	2615
	Examiner Name	P. Chieu
Total Number of Pages in This Submission 58	Attorney Docket Number	RCA 89,417

ENCLOSURES (Check all that apply)

✔ Fee Transmittal Form	☐ Drawing(s)	☐ After Allowance communication to Technology Center (TC)
☐ Fee Attached	☐ Licensing-related Papers	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Reply	☐ Petition	✔ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ After Final	☐ Petition to Convert to a Provisional Application	☐ Proprietary Information
☐ Affidavits/declaration(s)	☐ Power of Attorney, Revocation Change of Correspondence Address	☐ Status Letter
☐ Extension of Time Request	☐ Terminal Disclaimer	☒ Other Enclosure(s) (please Identify below):
☐ Express Abandonment Request	☐ Request for Refund	
☐ Information Disclosure Statement	☐ CD, Number of CD(s) _____	
☐ Certified Copy of Priority Document(s)		
☐ Response to Missing Parts/ Incomplete Application		
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Fee Transmittal form in duplicate; Appeal Brief in triplicate; return-receipt post-card enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	JOEL M. FOGELSON, Registration No. 43,613
Signature	
Date	September 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Patricia M. Fedorowycz		
Signature		Date	September 10, 2004

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 330

(Stamp: SEP 13 2004)

Complete if Known

Application Number	09/378,669 CUSTOMER NO.: 24498
Filing Date	August 20, 1999
First Named Inventor	Shu Lin
Examiner Name	P. Chieu
Art Unit	2615
Attorney Docket No.	RCA 89,417

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 07-0832

Deposit Account Name: THOMSON LICENSING INC.

The Director is authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, **except for the filing fee**
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filling fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below		Fee Paid
Total Claims		- ** = 0	X	=	0
Independent Claims		- ** = 0	X	=	0
Multiple Dependent			X	=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

**or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	330
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	JOEL M. FOGELSON	Registration No. (Attorney/Agent)	43,613	Telephone	(609) 734-6809
Signature				Date	September 10, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
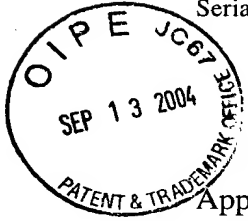
Serial No. 09/378,669   RCA 89417

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: S. LIN ET AL.

Serial No.:   09/378,669

Filed: AUGUST 20, 1999

For: A DIGITAL VIDEO PROCESSING AND STORAGE SYSTEM FOR

                VIDEO, AUDIO AND ANCILLARY DATA

Examiner: P. CHIEU

Art Unit: 2615

BRIEF ON APPEAL

May It Please The Honorable Board:

Appellants appeal the final rejection of Claims 1-20 of the above-identified application in the Final Rejection dated March 11, 2004. The fee of $330.00 for filing this Brief is to be charged to Deposit Account 07-0832. Appellants waive an Oral hearing for this appeal.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Three copies of the Brief are enclosed. This page is also submitted in duplicate for fee charging purposes.

I.   REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/378,669 is the assignee of record:

Thomson Multimedia Licensing Inc.
Patent Operation
Two Independence Way
P. O. Box 5312
Princeton, NJ 085435312

09/15/2004 EAREGAY1 00000092 070832   09378669
01 FC:1402   330.00 DA

II.   RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III.   STATUS OF THE CLAIMS

Claims 1-20, all the claims in the application after consideration of the response to the Final Rejection, are rejected.

Claims 1-20, all the rejected claims, are appealed.

IV.   STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V.   SUMMARY OF THE INVENTION

In accordance with the principles of the present invention claim 1 discloses a method for providing navigation information supporting navigation through different images of one or more video programs.   The inventive method includes parsing encoded packetized data representative of a sequence of individual images to determine parameters to support navigation through the sequence of individual images.   The determined parameters are formatted into a predetermined data structure and the determined parameters in the predetermined data structure are incorporated into a pre-formed navigation data field. The encoded packetized data and the pre-formed navigation data field are provided as an output in the second data format.   The data format conversion converts at least one of, (a) volume structure, (b) file structure, and (c) navigation data, compliant with the first data format into at least one of, (a) a different volume structure, (b) a different file structure, and (c) different navigation data comprising the navigation data field, compliant with the second data format.

Claims 11 and 14 are directed towards a method for converting image representative digital video data in a first data format to a different second data format in response to initiation of data format conversion.

The method of claim 11 includes generating navigation parameters to support navigation through a sequence of individual images by parsing encoded packetized data representative of a sequence of individual images in the first data format. The navigation parameters are derived from at least one of: navigational information related to the sequence of individual images and file structure information. Thereafter, navigation parameters are incorporated into a navigation data field. An output comprising packetized data representative of a sequence of individual images in the different second data format including the navigation data field in a different data format and a different file structure is provided.

The method of claim 14 includes parsing encoded packetized data representative of a sequence of individual images in a first data format to derive parameters to support navigation through the sequence of individual images. The packetized data comprises at least one of navigation data related to the sequence of individual images and file structure information. The derived parameters are incorporated into a pre-formed navigation data field. Thereafter, the encoded packetized data and the pre-formed navigation data field is provided as an output in the second data format in at least one of new navigation data format and new file structure format.

All other claims are dependent on either claim 1, claim 11 or claim 14.

VI. ISSUES

Whether the subject matter of Claims 1 – 12 and 14 – 20 are unpatentable under 35 U.S.C. 103(a) over Maruyama et al. (U.S. Patent No. 6,385,389) in view of Na et al (U.S. Patent No. 6,504,996).

Whether the subject matter of Claims 13 is unpatentable under 35 U.S.C. 103(a) over Maruyama et al. (U.S. Patent No. 6,385,389) in view of Na et al (U.S. Patent No. 6,504,996) and Yamauchi et al (U.S. Patent No. 6,381,398).

VII.   GROUPING OF THE CLAIMS

Claims 2 – 10 are dependent on independent claim 1. Claim 12 and 13 are dependent on independent claim 11 and claims 15 – 20 are dependent on independent claim 14.

VIII.   ARGUMENTS

The combination of Maruyama et al. with any of Na et al. or Yamauchi et al. does not render the present claimed invention unpatentable. Thus, withdrawal of the Final Rejection of Claims 1- 20 under 35 U.S.C 103(a) is respectfully requested.

Overview of the Cited References

Maruyama et al. discloses an information recording medium including a first area (DA2) for storing picture data for forming a plurality of pictures. A second area (DA21) is included in the first area and stores control data of the picture data. A third area (INFO1) which is included in the second area, stores specifying data for specifying the storage position of representative picture data for forming a representative picture in the plurality of pictures.

Na et al. discloses an apparatus for transmitting information via a network, and a method therefore. The information transmission apparatus includes a first device having a transport format converter for receiving user interface data input via a user interface. The user interface commands and controls the first device as well as converts information into a transport format for transmission. A second device having a display unit is further included. The display unit displays the user interface for commanding and controlling the first device, and a physical layer for linking the first and second

devices for communications. The IEEE 1394 interface is adopted as the physical layer, so that the second device can control the operation of a digital versatile disc (DVD) player as the first device. Thus, interfacing between devices using the MPEG-2 transport stream becomes easier.

Yamauchi et al. discloses a bitstream generation apparatus that enables an efficient editing of video objects in providing a finished audio video production. Audio and video data is encoded and an elementary encoder unit correlates the audio and video data into video objects. The video objects can be assembled by an editing unit into a desired scenario of reproduction. An editor can re-arrange the scenes that are formed by the video objects with the assistance of a correction unit and an interleaving unit that can divide the pieces of audio data and the pieces of video data that form the video objects into new video objects which can be interleaved into the reproduction order of video objects without requiring a re-encoding of the entire set of video objects that constitute sequences of scenes for the audio video product.

1. The Rejection of claims 1- 12 and 14 – 20 under 35 U.S.C. § 103(a)

Reversal of the Final Rejection (hereinafter termed "rejection") of claims 1 – 12 and 14 - 20 under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. in view of Na et al., is respectfully requested. The rejection makes the following crucial errors in interpreting the cited reference.

A. The rejection erroneously states that claims 1 – 12 and 14 - 20 are unpatentable over Maruyama et al. in view of Na et al. under 35 U.S.C. 103(a).

ISSUES

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*,

383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroya, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

A principal issue here is whether Maruyama et al. or Na et al. disclose "incorporating said determined parameters in said predetermined data structure into a pre-formed navigational field; and providing said encoded packetized data and said pre-formed navigational data field as an output in a second data format" as disclosed in claims 1 and 14 of the present claimed invention. Another issue is whether Maruyama et al. or Na et al. disclose incorporating said navigation parameters into a navigation data field; and providing an output comprising packetized data representative of a sequence of individual images in said different second data format including said navigation data field in a different data format and a different file structure" as disclosed in claim 11 of the present claimed invention.

Applicant respectfully submits that the above identified inventive elements are neither disclosed nor suggested in Maruyama et al. or Na et al., either alone or in combination with one another.

Maruyama et al. neither discloses nor suggests the type of data format conversion as converting one specific attribute related to the sequence of pictures to a different format. More specifically, Maruyama et al. neither disclose or suggest the operation of converting a first data format to a second data format, in the manner

suggested by the Applicant' invention. This is clearly shown in Fig. 3 of Maruyama et al which discloses a first data format which is not converted to a second data format.

Applicant respectfully submits that Maruyama et al. neither disclose nor suggest "packetized data comprises at least one of: navigation data related to the sequence of individual images and file structure information," is used to assist in the conversion. Specifically, either the navigational data format or file structure is converted from one data format to a second data format as stated in Claims 11 and 14.

The Examiner states that Maruyama discloses "incorporating the determined parameters in the predetermined data structure into a pre-formed navigation data field" by referring to Fig. 12 and the Video Manager Group of Fig. 8. However, Fig. 8 presents a navigation pack 86 that corresponds to video object unit 85 where the navigation pack is the navigational data for a corresponding video object unit. Maruyama et al. neither disclose nor suggest incorporating the determined parameters in the predetermined data structure into a pre-formed navigation data field" as in the present claimed invention. Additionally, as stated by the Examiner, Maruyama et al. neither disclose nor suggest "providing the encoded packetized data and the pre-formed navigation data field as an output in said second data format" as in the present claimed invention.

The Examiner cites Na et al. as disclosing "pre-formed navigational data field as an output in a second data format". Applicant respectfully disagrees with the Examiner's assertion that this element is taught by Na et al. The Examiner states that Na et al. disclose a device for converting a program stream (PS) into a transport stream (TS) to transmit the data in the proper format needed by the digital TV. The Examiner further states that the conversion of a PS into a TS converts navigational data into a different navigational data (i.e. PAT, PMT, etc).

However, the system disclosed Na et al. is not compatible with the system disclosed by Maruyama et al. In such, the navigational data from Maruyama et al. cannot be converted into a PAT or PMT as shown in Na et al. and claimed by the

Examiner to show the claimed element of providing "said pre-formed navigational data field as output in a second format". Na et al. states that the Program Associated Table (PAT) and Program Map Table (PMT) exist as different forms of Program Specific Information (PSI) that allows "a receiving device to receive a transmission stream to appropriately extract audio, video, and data information corresponding to a desired program." These tables are used to identify and separate out the different audio and video packets multiplexed in a transport stream, to reconstitute a corresponding program (see Na et al., col. 5, line 33 to col. 6, line 5). These tables, as disclosed by Na et al. are merely used for demultiplexing a transport stream and are <u>not</u> the same as the navigational data of a navigation pack used for physically locating video information on a DVD as disclosed in Maruyama et al. Thus, it is respectfully submitted that combining the conversion of navigation information into a PAT or PMT as taught by Na et al producing the navigational data of Maruyama et al, which the Examiner admits is <u>not the same</u> as the PAT or PMT, does not show the claimed "providing the encoded packetized data and the pre-formed navigational data as output in a second data format". Combining the data conversion of Na et al. to produce a PAT or PMT with the admitted incompatible output navigation data of Maruyama et al would produce an inoperable device and thus could not make the invention as claimed in claims 1 and 14 unpatentable.

Applicants also respectfully submit that there is a lack of motivation to combine the system disclosed by Maruyama et al. with the system disclosed by Na et al. Maruyama et al. are concerned with a method of recording information on a recording medium such as a DVD. On the other hand, Na et al. are directed towards "transmitting information via a network" where the "operation of the DVD player is controlled by the digital TV 240" (see Na et al., Abstract and col. 5, lines 7-10). Maruyama et al. is not concerned with transmitting data between devices for control by a singular device. Maruyama et al. is also not concerned with controlling a DVD player remotely through an IEEE 1394 connection via a digital television as taught in Na et al. Therefore, it is respectfully submitted that the PS/TS converter for <u>transmitting information</u> as disclosed by Na et al. would not be an obvious modification to the <u>method of recording information on a recording medium</u> as disclosed by Maruyama et al. As the objectives

of both Maruyama et al. and Na et al. are unrelated, it is respectfully submitted that there would be no motivation to combine these references.

The Examiner states that Na et al. provides the motivation for combining the system disclosed therein with the system disclosed by Maruyama et al. The Examiner further rejected the Applicants assertion that Maruyama et al. does neither disclose nor suggest the need for controlling a DVD player remotely though an IEEE 1394 connection via a digital television as disclosed in Na et al. However, applicant respectfully maintains this position because the thrust of Na et al. is to provide data from a first source to a second source yet control the data provided by the first source. This is wholly unlike the system of Maruyama et al. that is concerned with recording of data on a medium.

It is respectfully submitted that Maruyama et al. and Na et al. neither disclose nor suggest "incorporating said determined parameters in said predetermined data structure into a pre-formed navigational field; and providing said encoded packetized data and said pre-formed navigational data field as an output in a second data format" as disclosed in claims 1 and 14 of the present invention. Additionally, Maruyama et al. or Na et al. neither disclose nor suggest "incorporating said navigation parameters into a navigation data field; and providing an output comprising packetized data representative of a sequence of individual images in said different second data format including said navigation data field in a different data format and a different file structure" as claimed in claim 11 of the present invention. As claims 2 – 10 are dependent on claim 1, claim 12 is dependent on claim 11 and claims 15 – 20 are dependent on claim 14, it is respectfully submitted that claims 2 – 10, 12 and 15 – 20 are patentable for the same reasons as discussed above with respect to claims 1, 11 and 14 respectively.

In view of the above remarks, it is respectfully submitted that there is not 35 USC 112 compliant disclosure in either Maruyama et al. or Na et al. showing the above discussed features. It is thus further respectfully submitted that claims 1, 11 and 14 are not made unpatentable by Maruyama et al. in view of Na et al. As claims 2 – 10 are

dependent on claim 1, claim 12 is dependent on claim 11 and claims 15 – 20 are dependent on claim 14, it is respectfully submitted that these claims are also not unpatentable over Maruyama et al. in view of Na et al. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

2. The Rejection of claim 13 under 35 U.S.C. § 103(a)

Reversal of the Final Rejection (hereinafter termed "rejection") of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. in view of Na et al. and Yamuachi et al., is respectfully requested. The rejection makes the following crucial errors in interpreting the cited reference.

A. The rejection erroneously states that claims 1 – 12 and 14 - 20 are unpatentable over Maruyama et al. in view of Na et al. and Yamuachi et al. under 35 U.S.C. 103(a).

ISSUES

A principal issue here is whether Maruyama et al., Na et al. or Yamauchi et al. disclose "incorporating said determined parameters in said predetermined data structure into a pre-formed navigational field; and providing said encoded packetized data and said pre-formed navigational data field as an output in a second data format" as disclosed in claim 1 of the present claimed invention.

Similarly to Maruyama et al. and Na et al., Yamauchi et al. neither disclose nor suggest incorporating said determined parameters in said predetermined data structure into a pre-formed navigation field" as in claim 1 of the present claimed invention. Furthermore, similarly to Maruyama et al. and Na et al., Yamauchi et al. neither disclose nor suggest "providing said encoded packetized data and said pre-formed navigational data field as an output in a second data format" as in claim 1 of the present claimed invention. As claim 13 is dependent upon claim 1, claim 13 is allowable for the same reasons as claim 1 discussed above.

10

Applicant respectfully disagrees with the Examiner's interpretation of Yamauchi et al. Specifically, the Yamauchi et al. neither disclose nor suggest that the magneto optical disk is a "read only format". Rather, Yamauchi et al. disclose that the magneto optical disc cited by the Examiner is part of a data input apparatus 13, where a digital magnetic tape apparatus is also shown as part of the data input apparatus 13 (Yamauchi et al., col. 10, lines 10-31). In the description of the magneto optical disc by Yamauchi et al. it is neither disclosed nor suggested that the optical disc is a "first read only data format" as in the present claimed invention.
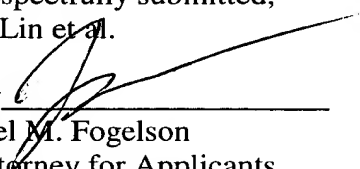
In view of the above remarks, it is respectfully submitted that Yamauchi et al. adds nothing when taken alone or in combination with either Maruayama et al. or Na et al. that would make the present claimed invention unpatentable. Additionally, it is respectfully submitted that there is not 35 USC 112 compliant disclosure in either Maruyama et al., Na et al., or Yamauchi et al. showing the above discussed features. As claim 13 is dependent on claim 1, it is respectfully submitted that claim 13 is also not unpatentable over Maruyama et al. in view of Na et al. and Yamauchi et al. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

In view of the above arguments, claims 1-20 are deemed allowable.

IX.   CONCLUSION

For these reasons, it is respectfully submitted that the claims of the application satisfy the requirements of 35 U.S.C. §103 and removal of the rejections of claims 1-20 is respectfully requested.

Respectfully submitted,
S. Lin et al.

By
Joel M. Fogelson
Attorney for Applicants
Registration No. 43,613
(609) 734-6809

Patent Operation
Thomson Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
September 10, 2004

APPENDIX I

APPEALED CLAIMS

1. A method for providing navigation information supporting navigation through different images of one or more video programs, comprising the steps of:

parsing encoded packetized data representative of a sequence of individual images to determine parameters to support navigation through said sequence of individual images;

formatting said determined parameters into a predetermined data structure;

incorporating said determined parameters in said predetermined data structure into a pre-formed navigation data field; and

providing said encoded packetized data and said pre-formed navigation data field as an output in said second data format, wherein,

said data format conversion converts at least one of, (a) volume structure, (b) file structure, and (c) navigation data, compliant with said first data format into at least one of, (a) a different volume structure, (b) a different file structure, and (c) different navigation data comprising said navigation data field, compliant with said second data format.

2. A method according to claim 1, wherein said derived parameters comprise at least one of, (a) data identifying a group of pictures (GOP) format, (b) a number of GOPs in a video object unit (VOBU), (c) data identifying reference frames in a VOBU or GOP, (d) a start address of image representative data, (e) an end address of image representative data, (f) a parameter identifying size of image representative data, (g) trick play mode selection information and (h) file structure information.

3. A method according to claim 1, wherein

said derived parameters in said navigation data field support navigation through images in at least one of, (a) a frame, (b) a group of pictures (GOP), (c) a video object unit (VOBU), (d) a program, (e) different programs and (f) video data of different MPEG compatible elementary streams.

4. A method according to claim 3, wherein

said different programs comprise a video program and an associated program comprising one of, (i) audio data, (ii) Internet web page data, (iii) text data, and (iv) program guide data.

5. A method according to claim 3, wherein
said different programs comprise two different video programs.

6. A method according to claim 1, wherein said incorporating step comprises

incorporating said determined parameters in a previously blank area of said pre-formed navigation data field.

7. A method according to claim 1, including the step of incorporating an indicator in a datastream including said encoded packetized data and said navigation data field to indicate said determined parameters are incorporated in said navigation data field.

8. A method according to claim 1, wherein said pre-formed navigation data field comprises a header and a payload and said determined parameters are incorporated in said navigation data field payload.

9. A method according to claim 1, including the step of forming said pre-formed navigation data field to accommodate subsequent insertion of said determined parameters.

10. A method according to claim 1, wherein said encoded packetized data is stored and said parsing occurs in response to initiation of a data format conversion operation.

14

11. A method for converting image representative digital video data in a first data format to a different second data format in response to initiation of data format conversion, comprising the steps of:

generating navigation parameters to support navigation through a sequence of individual images by parsing encoded packetized data representative of a sequence of individual images in said first data format, wherein said navigation parameters are derived from at least one of: navigational information related to the sequence of individual images and file structure information;

incorporating said navigation parameters into a navigation data field; and

providing an output comprising packetized data representative of a sequence of individual images in said different second data format including said navigation data field in a different data format and a different file structure.

12. A method according to claim 11, wherein said step of incorporating said navigation parameters into said navigation data field comprises re-formatting an existing navigation data field with said navigation parameters.

13. A method according to claim 6, wherein
said first data format comprises a read only data format and
said second data format comprises a different recordable data format.

14. A method for converting image representative digital video data of a first data format to a different second data format in response to initiation of data format conversion, comprising the steps of:

parsing encoded packetized data representative of a sequence of individual images in a first data format to derive parameters to support navigation through said sequence of individual images, wherein the packetized data comprises at least one of: navigation data related to the sequence of individual images and file structure information;

incorporating said derived parameters into a pre-formed navigation data field; and

providing said encoded packetized data and said pre-formed navigation data field as an output in said second data format in at least one of: new navigation data format and new file structure format.

15. A method according to claim 14, wherein said derived parameters comprise at least one of, (a) data identifying a group of pictures (GOP) format, (b) a number of GOPs in a video object unit (VOBU), (c) data identifying reference frames in a VOBU or GOP, (d) a start address of image representative data, (e) an end address of image representative data, (f) a parameter identifying size of image representative data, (g) trick play mode selection information and (h) file structure information.

16. A method according to claim 15, wherein

said derived parameters in said navigation data field support navigation through images in at least one of, (a) a frame, (b) a group of pictures (GOP), (c) a video object unit (VOBU), (d) a program, (e) different programs and (f) video data of different MPEG compatible elementary streams.

17. A method according to claim 16, wherein

said different programs comprise a video program and an associated program comprising one of, (i) audio data, (ii) Internet web page data, (iii) text data, and (iv) program guide data.

18. A method according to claim 16, wherein

said different programs comprise two different video programs.

19. A method according to claim 14, including the step of

incorporating an indicator in a datastream including said encoded packetized data and said navigation data field to indicate data format conversion has been performed.

20. A method according to claim 14, wherein
said pre-formed navigation data field comprises a header and a payload and said determined parameters are incorporated in said navigation data field payload.

APPENDIX II

TABLE OF CASES

1. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988).

2. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966).

3. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988).

4. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986).

5. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984).

6. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

APPENDIX III

LIST OF REFERENCES

U.S. Patent No.	Issue Date	Inventors
6,385,389 B1	May 7, 2002	Maruyama et al.
6,381,398 B1	April 30, 2002	Yamauchi et al.
6,504,996 B1	January 7, 2003	Na et al.

BRIEF ON APPEAL

TABLE OF CONTENTS